

EXHIBIT 1

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11/6/2015

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

WILLIAM SWARVAR,

CASE NO: 1:14-CV-1302

Plaintiff,

v

MUSKEGON CHARTER TOWNSHIP,
MATTHEW ANDERSON and JOSEPH
LUCE, in their individual and
official capacities,

Defendants.

_____/

The Deposition of William Swarvar,
taken before me, Cassandra M. Rodriguez, CER 8186, on
November 6, 2015, at 300 Ottawa Avenue, N.W., Grand Rapids,
Michigan, 49503, commencing at or about 10:58 a.m.

APPEARANCES:

BY: SHAWN C. CABOT, ESQUIRE
CHRISTOPHER TRAINOR & ASSOCIATES
9750 Highland Road
White Lake, Michigan 48386
248-886-8650
Appearing on behalf of the Plaintiff.

BY: G. GUS MORRIS, ESQUIRE
MCGRAW MORRIS, PC
2075 West Big Beaver Road, Suite 750
Troy, Michigan 48084
248-502-4000
Appearing on behalf of the Defendants.

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1 police officer?

2 A Yeah.

3 Q All right. And so what was your sentence as a result of that
4 conviction?

5 A My paperwork said "dismissed" underneath it. My police work
6 from Muskegon County said "dismissed" and I -- and the judge
7 said, "Well, you're serving time in White Cloud, right?" And
8 I said "yes." He says, "Well, I'm going -- I'm going to serve
9 you -- I'm going to -- what was it that he said? Time served.
10 He said, "Time served and dismissed, 75 days charged." He
11 said something 75 days.

12 MR. CABOT: If you don't know, just say you
13 don't know.

14 Q (Continuing by Mr. Morris): I have what he said in front of
15 me, so I know what he said.

16 A All right. I got the paperwork, too.

17 Q Okay. You think it was dismissed or do you think you just
18 didn't have to serve any additional sentence because you were
19 already serving time for the B&E?

20 A He told -- the judge -- the lawyer -- the judge told me -- on
21 my green piece of paper that I get from the judge down here it
22 said "dismissed."

23 Q That's not what the transcript says.

24 A Well, I'll get my paperwork too and I'll show you.

25 Q Okay. All right. And the other thing that I wanted to ask

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1 you about with respect to this plea is when you -- your
2 attorney said on the record that you were going to plead no
3 contest to attempt resisting and obstructing a police officer.
4 The Court asked your attorney the reason for the no contest
5 plea and he said, "Lack of memory due to a seizure." My
6 question to you is; is that an accurate statement by your
7 lawyer?

8 A Hm-hmm.

9 Q You have to say "yes" or "no."

10 A Yes, sir.

11 Q Okay. So you don't have a memory of what it is you did that
12 somebody thought was attempt to resist and obstruct a police
13 officer?

14 A I have no --

15 MR. CABOT: Objection. Mischaracterizes the
16 transcript.

17 MR. MORRIS: Okay.

18 THE WITNESS: I don't remember.

19 MR. MORRIS: But I'll take the answer. Did you
20 want me to try to rephrase the question?

21 MR. CABOT: No. I mean, I'm just objecting
22 to -- I think there's a difference between lack of memory
23 versus no memory.

24 MR. MORRIS: Okay. All right. I'm with you.

25 MR. CABOT: But my objection stands.

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1 Q (Continuing by Mr. Morris): Okay. Back to where I started
2 because I lost my train of thought then. Is it accurate --

3 A I lost my train of thought, too.

4 MR. CABOT: Do you need a break?

5 THE WITNESS: I just -- I need to understand
6 these objections and what does this mean?

7 MR. CABOT: Yeah. Let's take a break.

8 MR. MORRIS: Fair enough.

9 (At or about 11:48 a.m., a break was taken. At
10 or about 11:57 a.m., back on the record.)

11 Q (Continuing by Mr. Morris): We stopped when I was asking you
12 about what the lawyer that you had on your criminal matter
13 regarding this case said on the record and I asked you whether
14 or not his statement to the Court -- that the reason for your
15 no contest plea was, quote, "Lack of memory due to a seizure,"
16 whether or not that was accurate?

17 A Yes. It was accurate.

18 Q Okay.

19 A He said that.

20 Q And I know he said it because of the transcript. Is it true?

21 A Yes, sir.

22 Q Okay. All right. And I've got some medical records from you
23 and I want to make sure I have a complete understanding of
24 where you've treated and let's talk about since the incident
25 with the Muskegon Township Police. I know that you were